मंत्री पद पर बने रहने के लिए अयोग्य हो गए हैं और उनको प्रधान मंत्री के पद से स्वयं चले जाना चाहिए।

माननीय उपसभाध्यक्ष महोदय, जब संविधान सभा में बहस हो रही थी, उस समय आजकल का जो अनुच्छेद 355 है, यह उस समय अनुच्छेद 277-A था और उस समय भी संविधान सभा में बोलते हुए श्री एच०वी० कामथ ने इस बात की ओर देश का, देश की जनता का और संविधान सभा के सदस्यों का ध्यान आकर्षित किया था। 3 अगस्त, 1949 को जब इस पर बहस हो रही थी उहोंने कहा था:—

Shri H.V. Kamath, a very able Parliamentarian, said this on 3rd August, 1949.

"Now, coming to Article 277A, we have laid, according to this Article, certain duties upon the Union Government. Firstly, it should defend every constituent unit against any external aggression. Secondly, it should protect the State against internal disturbance. I suppose Dr. Ambedkar and the Drafting Committee means that the Union Government should prevent any internal disturbance from occurring in the State. Lastly, a duty is laid upon the Union Government to see that the Government of every State is carried on in accordance with the provisions of the Constitution. As regards the last, I am whole-heartedly in agreement with the provisions that the Union Government should make it a point to see that every State honours and observes the Constitution in letter as well as in spirit."

5.00 P.M.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज): मालवीय जी, गृह मंत्री जी आ गए हैं। अब हम पांच बजे उनको स्टेटमेंट लेलें, फिर उसके बाद आप अपनी बात जारी रखें। गृह मंत्री जी।

STATEMENT BY MINISTER

Orders issued by Election Commission of India to Tripura Government to take action against Certain Officers

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Madam Vice-Chairperson,

I had made a statement in the Lok Sabha regarding holding of general elections in Tripura and matters connected therewith on 1st March, 1993. Some Hon'ble Members had raised points regarding the orders passed by the Election Commission of India on 27 February, 1993 and 1 March, 1993 and the continuation of the care-taker Ministry in Tripura.

The Election Commission vide its letter dated 27 February 1993 directed the State Government—

(a) to take disciplinary action against certain police officers mentioned in the said order and to complete the said action before 21 March 1993 under initimation to the Commission; and

(b) to remove forthwith the District level officers and the officers below the District level mentioned in the said order from posts connected with the election duties under intimation to the Commission.

By its order dated 1 March, 1993, the Election Commission in amplification of its order of 27 February 1993 directed that disciplinary action should also be taken forthwith against all personnel of any and all Government Departments other than the police especially (but not restricted) to officers of the general administration, such as District Magistrates, Sub-Divisional Magistrates etc. who were present in the party meetings, in addition to officers of the police as already directed. The action is required to be completed by 21 March 1993 under intimation to the Commission. The Commission has further directed that all such officers must be removed forthwith from all and any work connected with the election duties.

The Election Commission has clearly indicated that the responsibility of implementation of these orders lies

[Shri S.B. Chavan]

Csquarely on the State Government of Tripura. The Election Commission has also mentioned that failure to implement these orders may compel the Commission to take further action including postponement of poll.

The Election Commission is an independent authority under the Constitution vested with the powers of superintendence, direction and control of elections including those of the legislature of every State. It is the duty of the State Government and all officers under its control to assist the Election Commission in this task. It is expected of the State Government and officers working under its control to comply with the directions of the Election Commission of India issued to them from time to time.

Some Hon'ble Members have raised the question about the continuation of the care-taker Ministry in Tripura. As I had mentioned in my earlier statement in the Lok Sabha on 1.3.1993, the term of the Tripura Assembly expired on 28.2.1993. On 27.2.1993, the Chief Minister of Tripura submitted his resignation to the Governor of Tripura. The resignation was accepted by the Governor. In exercise of his powers under the Constitution, the Governor has requested the Chief Minister to continue as care-taker Ministry till alternative arrangement is made.

In the context of the orders of the Election Commission of India, a further report from the Governor is awaited.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Now clarifications. Shri Jagdish Prasad Mathur.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश): महोदया, पहले मैं आपसे एक निवेदन करदूं कि आज मेरा अधिकार दुगुना है। कलेरीफिकेशंस मांग रहा हूं और दूसरे, सेशल मेंशन में मुझे कहा गया था और फिर कहा था इस पर मैं बोलूंगा।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज): आप दुगुने अधिकार से बोलिए।

श्री जगदीश प्रसाद माथुर: गृह मंत्री का वक्तव्य जो केवल चुनाव आयोग ने कहा है, उतना ही मात्र है। केवल उसको दोहराया गया है, कोई स्पष्टीकरण नहीं है। इससे समस्या और उलझ गई है। आखिर में उन्होंने कहा है कि हम गवर्नर से रिपोर्ट मंगा रहे है। सवाल यह आता है कि अब तक गवर्नर ने रिपोर्ट क्या दी थी। अगर कोई रिपोर्ट नहीं दी थी तो अब इतनी देर में मंगाने की आवश्यकता क्या है। दूसरे, इसी सदन में प्रातःकाल बोलते हुए गृह मंत्री महोदय ने कहा था कि हम नैगोशिऐट कर रहे है, मैं यह भी जानना चाहूंगा कि वे किससे नैगोशिऐट कर रहे थे? उसका नतीजा क्या निकला? मेरी मांग है कि वहां गवर्नर रूल लागू होना चाहिए। आप कहेंगे कोई कांस्टीट्यूशनल क्राइसिस नहीं था लेकिन जितना बड़ा कांस्टीट्यूशन क्राइसिस आज त्रिपुरा से खड़ा हुआ है उससे पहले कभी नहीं था।

(उपसभापति पीठासीन हुई)

इलेक्शन कमीशन की जो रिपोर्ट है, जो उन्होंने प्रैस को रिलीज की थी, उसमें उन्होंने बार-बार कहा है कि—

"On 6th February, 1993, the Chief Minister, Tripura, and Shri Santosh Mohan Deb visited Sonamura and held a party meeting with contesting condidates and party members, and in this meeting....."

उसमें अफसरों के नाम दिए गए है।

वहां केन्द्र का एक मंत्री जाता है, मुख्यमंत्री जाता है, अनैतिक रूप से अफसरों के साथ बैठक करता है कांग्रेस के दफ्तर के अंदर। क्या इससे बड़ा कोई कांस्टीट्यूशनल क्राइसिस हो सकता है जब कि केन्द्र का मंत्री बैठकर, मुख्यमंत्री बैठकर सारी चुनाव की प्रक्रिया को प्रभावित करना चाहता है। इससे बड़ा क्राइसिस क्या हो सकता है। तो इसलिए कटघरे में केवल वह अधिकारी नहीं खड़े हैं जो अधिकारी मीटिंग में गए थे। वह तो बेचारे सामान्य अधिकारी है। चाहे वे कानून के कायदे से आयोग के अधीन हों या मुख्यमंत्री के अधीन हों। अगर मुख्यमंत्री उनको बुलाए। केन्द्र का मंत्री उनको बुलाए तो उनका क्या साहस कि वह न जाएं। इसलिए सबसे बड़ा क्राइसिस तो यह है कि आपने इस संविधान की अवहेलना की है। मैं जानना चाहूंगा गृह मंत्री महोदय से, उनका क्या कहना है।

श्री एच० हनुमंतप्पा (कर्णाटक): आपके पास क्या सबूत है कि मुख्यमंत्री ने उनको बुलाया या केन्द्र के मंत्री ने उनको बुलाया? हकीकत बताओ। अफ्सर वहां गए थे यह गलती है लेकिन आपको कैसे पता

कि मुख्यमंत्री ने उनको बुलाया या केंद्र के मंत्री ने उनको बुलाया?

श्री जगदीश प्रसाद माथुरः केंद्र का मंत्री और मुख्यमंत्री दोनों उपस्थित थे वहां।

श्री एच॰ हनुमंतप्पाः कहां से बुलाया.... **(व्यवधान)**

श्री जगदीश प्रसाद माथुरः इसका मतलब यह है कि आपके कहने के अनुसार वहां के जितने अफसर है वे मुख्यमंत्री का घेराव करने गए थे। अगर नहीं गए थे तो क्यों गए थे? किसके बुलावे से गए थे? जो असर गए थे वे मीटिंग के लिए गए थे और वहां मुख्यमंत्री और केंद्र के मंत्री भी उपस्थित थे। तो मैं पूछना चाहूंगा कि क्या इससे बड़ा कोई कांस्टीट्यूशनल क्राइसिस को सकता है। कभी इतिहास में ऐसी घटना नहीं घटी जब कि सदन का जीवन खत्म हो रहा हो और एक दिन पहले रिजाइन करने के बाद इस बहाने से वह बैठे रहें मुख्यमंत्री बनकर। इससे बड़ा अन्याय आज तक नहीं हुआ। अगर यही करना था तो पहले क्यों नहीं किया? सदन को डिस्साल्व क्यों नहीं किया? मैं आप पर आरोप लगा रहा हूं कि केन्द्रीय सरकार ने मुख्यमंत्री से मिलकर षड्यंत्र किया है। केन्द्रीय सरकार के मंत्री बैठे, मुख्यमंत्री बैठे और उन्होंने षड्यंत्र करके इलेक्शन कमीशन के अधिकारों का हनन किया है। तो मेरा कहना यह है कि वहां पर तुरंत सरकार हटाई जानी चाहिए और वहां पर राष्ट्रपति राज लागू किया जाना चाहिए। यह ठीक है कि राष्ट्रपति राज भी आप यहां से चलाएंगे लेकिन ईमानदारी का कुछ भरोसा तो होगा....**(व्यवधान)**

उपसभापतिः माथुर साहब, आप क्लैरिफिकेशन पूछिए। आप तो भाषण कर रहे है।

श्री जगदीश प्रसाद माथुरः मैंने पहले ही निवेदन किया महोदया, आप यहां नहीं थीं, मैं उस अधिकार का उपयोग कर रहा हूं जो आपने कहा था....**(व्यवधान)**

उपसभापतिः और लोग भी बोलने वाले हैं।

श्री जगदीश प्रसाद माथुरः आपने अधिकार दिया था क्योंकि मेरा स्पेशल मैंशन था और आपने कहा था कि आपको इस चीज़ पर बोलने का अधिकार मिलेगा, इसलिए मैं बोल रहा हूं। इसलिए मेरा आरोप है कि षडयंत्र केन्द्रीय सरकार से मिलकर किया गया है। इसलिए मेरा कहना है कि वहां पर सरकार को बरखास्त करके गवर्नर रूल लागू किया जाना चाहिए। दूसरे, केन्द्रीय सरकार अपने मंत्री श्री संतोष मोहन देव के साथ क्या कार्यवाही करना चाहती है जिन्होंने बहुत शोभनीय व्यवहार नहीं किया, कायदे कानून का उल्लंघन किया है। एक प्रकार से जनसाधारण के सामने वह मुजरिम हैं, लोकतंत्र के कटघरे में खड़े हैं।

इसके साथ ही आपने जो रिपोर्ट मांगी है वह किस बात की रिपोर्ट मांगी है? अगर पहले रिपोर्ट नहीं आई तो अब क्यों है? मैं जानना चाहता हूं कि पहले रिपोर्ट क्या थी और आज क्या है और आप कब यहां से निर्देश देकर वहां पर गवर्नर रूल लागू करेंगे?

SHRI INDER KUMAR GUJRAL (Bihar): Madam Deputy Chairman, the statement made by the hon. Minister is only paraphrasing of what the Chief Election Commissioner had already said not once, not twice but three or four times. In this House, we have been taking cognisance of the Election Commission's order. It is, of course, very sad that a Minister should go to Tripura and try to compromise the election process. That is one aspect of the issue on which both political and other action is called for. But there is one more dimension I think which should cause us concern and that is, the Government of India feeling that it has some responsibility to protect the officers also? What does a poor bureaucrat do? A Minister calls him to a meeting or his duties are such that he goes a meeting and then he pays for it. In this House, I had asked two or three times a question that one by-one, we are coming to a stage when in every state, the people who do decide to undertake the election responsibilities, the bureaucrats, are put in such an embarrassing position that their entire careers are in jeopardy. What should they do? I think a stage is fast coming when the Government of India will be confronted with a prospect that no self-respecting officer will agree to serve on election duties. In this House and elsewhere I don't want to raise that issue we have discussed the problems raised by the present Election Commission as it is presently constituted. We have also seen that there is an impeachment motion pending. The Government at that time had its own reasons because it thought that it was not being hurt. Now, it is coming nearer home. Therefore, while I am totally in favour of the point that was raised by my hon. friend, Mr. Mathur, that action is called for to ensure that free and fair election takes place, also, at

[Shri Inder Kumar Gujral]
the same time, since we have put all the officers at the tender mercy of a person, who, by temperament, is not suitable for that job, do you want to protect these officers or do you not want to protect these officers, not only in that State, but in every other State? Thank you.

SHRI DIPEN GHOSH (West Bengal): Madam Deputy Chairman, the statement made by the hon. Minister proves the contention of my colleague, Mr. M.A. Baby, when he made a Special Mention yesterday, alleging that a Union Minister was involved in exercising his influence over the process of election for which the Election Commission had to intervene and postpone the election. His statement also proves that the feeble way or the half-hearted way in which the Union Minister, Mr. Santosh Mohan Dev, tried to defend himself was wrong and knowingly, he had sought to mislead the House by saying that the allegation which was made by Mr. M.A. Baby, on the basis of the Chief Election Commission's report was baseless.

So, the Union Home Minister's statement has proved the correctness of Mr. M.A. Baby's allegation that Mr. Santosh Mohan Dev was not speaking the truth, and that he was trying to mislead the House. So. Madam, this is a testimony. Apart from the Chief Election Commissioner's order of 27th February, this is a testimony to the fact that the Tripura Government led by Mr. Samir Ranjan Burman had failed to fulfil the constitutional requirement for the purpose of holding election to the state legislature. This is a testimony to the fact that a Union Minister stretching beyond his call of duty as a Union Minister while acting as a poll observer of his party had tried to influence the electoral process in the State of Tripura. Madam Chairperson, the Home Minister has stated categorically while quoting the Chief Election Commissioner's order at para 3: "The Chief Election Commissioner wanted action to be taken fortwith against certain officers." For what? Mr. Hanumanthappa should note that the clause is 'whoever is present in the party meeting." Of course, a Union Minister...(*interruption*)....

SHRI H. HANUMANTHAPPA: I have no objection to that. What was mentioned was, the Chief Minister called them, Santosh Mohan Dev called them. Where is the evidence? If they have attended, they really attract penalty.

SHRI DIPEN GHOSH: Thank you for the correction.

The Union Home Minister has not stated which party meeting who has taken those meetings for attending which meeting or whose meeting these officers have been asked by the Chief Election Commissioner to be taken to task. The Chief Election Commission's order of 27th February which Mr. Home Minister has quoted has stated: "who had taken those meeting, who were present in those meetings..." and what Mr. I.K. Gujral has stated is-Mr. Chavan, Mr. Home Minister, you kindly try to appreciate, you have been an administrator for a long period of time you had been a Chief Minister, you are a Minister in the Central Government and Home Minister twice--the District Magistrates or the Sub-Divisional Magistrates or the poll officers have been asked by the Chief Election Commissioner to be taken to task. And you have advised in your statement that the State Government is expected to comply with the request of the Chief Election Commissioner, to cooperate with the Chief Election Commission. The officers who had attended that meeting have been asked to be taken to task, for attending the meeting taken by a Union Minister while he will enjoy his berth in the Union Council of Ministers here! The District Magistrates will be shown the way but the Union Minister will sit here and reply to the questions of the Members and he will enjoy the berth of a Minister! Should he not resign? Or if he does not resign, should he not be asked to quit? He has exposed...(*interruptions*) He has exposed as a political leader, a number of officers to the action of the Chief Election Commissioner and for this gross dereliction of duty as a Minister, for exposing the officer to the action of the Department, he should quit or if he does not quit on his own, first of all action should be taken against him by the Prime Minister of India.... (*interruptions*)....

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITONAL CHANGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): There is nothing to call them.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): When did he call them?

SHRI DIPEN GHOSH: I want to know....(*interruptions*)...

SHRIMATI SUSHMA SWARAJ: It can't be by an invitation it can't by by a card. He was present....(*interruptions*)...

SHRIMATI JAYANTHI NATARAJAN: You cannot make an allegation. you have to prove it....(*interruptions*)....

SHRI DIPEN GHOSH: Madam Jayanthi Natarajan, I am quoting what the Union Home Minister has quoted.

I am quoting from the Chief Election Commissioner's order of 27th February:

> "Whereas the Commission has carefully and in great detail examined the enquiry report of Chief Electoral Officer, Tripura, and finds that there was absolutely no justification whatsoever for any senior Civil or Police Officers to be present inside party meetings..." (*Interruptions*)

SHRIMATI JAYANTHI NATARAJAN: That does not mean, that he has participated. (*Interruptions*)...

SHRI H. HANUMANTHAPPA: We agree with that. (*Interruptions*)...

SHRIMATI SUSHMA SWARAJ: The question is whether he was present or not. (*Interruptions*)...

SHRIMATI JAYANTHI NATARAJAN: He might have been present. But he did not participate. (*Interruptions*)...

SHRI DIPEN GHOSH: Again in another paragraph it is stated, I quote:

> "Whereas the Commission totally rejects the contention that officers mentioned above were or had to be present in the party meetings for so-called law and order or security duties..."

So, the contention which these officers have taken, the Chief Electoral Officer of Tripura has taken, has been rejected by the Chief Election Commissioner in his order of 27th February and that order of 27th February the Union Home Minister has quoted. The Union Minister has stated and I quote:

> "It is expected of the State Government and officers working under its control to comply with the direction of the Election Commission of India issued to them from time to time."

In the background of this, I would like to know whether the Union Home Minister or, for that matter, the Prime Minister is going to take action against Mr. Santosh Mohan Dev who while holding a meeting and asking the officers to remain present in that meeting, has exposed them to the action as suggested by the Election Commission. This is my first question.

THE DEPUTY CHAIRMAN: Oh! I thought it is over.

SHRI DIPEN GHOSH: My second point is that in paragraph 6 he has stated and I quote:

> "In exercise of his power under the Constitution, the Governor has requested the Chief Minister to continue as caretaker Ministry till alternative arrangement is made.

In paragraph 7 it is stated:

> "In the context of the order of the Election Commission of India, a further report from the Governor is awaited."

Mr. Mathur has already asked whether you had received any report at all from the Governor and what that report was. In the context of the Election Commission of India's fresh order, why have you not called for an immediate report from the Governor? On 27th of February the Chief Minister of Tripura, Mr. Samir Ranjan Burman, had resigned and today, on 3rd March, you are making a statement. Four days have already elapsed.

Madam Deputy Chairperson, this is for the first time since 1952, after the elections began to be held according to the Constitution of India, a State legislative Assembly election could not be held before the normal tenure of five years

[Shri Dipen Ghosh]
elapsed. The Chief Election Commissioner had postponed the election because the State Government in power could not fulfil the constitutional requirements to ensure a free and fair poll. Never in the past had it occurred in the history of the Indian Constitution. This is the real constitutional crisis of the State. Today there is no Assembly, but the Government is there. Why was not the Assembly there? Why couldn't the election be held? Because this particular Government which is sitting there at Agartala could not fulfil the constitutional obligations. what else do you need? Who will take care of that State's administration?... (*Interruptions*) ...Article 356 says and Mr. Chavan, the Home Minister, knows that if the President, on receipt of a report from the Governor of a State or otherwise...

SHRIMATI JAYANTHI NATARAJAN: Madam, what is this? we are seeking clarification from....(*Interruptions*)

SHRI DIPEN GHOSH.... is satisfied that a situation has arisen in which the Government of a State cannot be carried on in accordance with the provision of this Constitution....(*Interruptions*). There is a clear case...(*Interruptions*)...

SHRI V. NARAYANASAMY (Pondicherry): Madam, he is making an election speech. (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN: Madam, he is referring to the Constitution...(*Interruptions*).

SHRI DIPEN GHOSH: There is a clear case that the State Government led by Shri Samir Ranjan Barman has failed to fulfil the constitutional requirements creating a situation conducive to the holding of a free and fair poll and thereby the Chief Election Commissioner has postponed the elections. Now if that Government of Shri Samir Ranjan Barman is allowed to remain as a care-taker Government till the fresh election is held, what does it mean? You call a thief to do the duty of a policeman. (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN: Madam, this has nothing to do with the statement. (*Interruptions*).

SHRI DIPEN GHOSH: My second question when the Union Home Ministry-...(*interruptions*)..

SHRIMATI JAYANTHI NATARAJAN: Madam, I have a point of order.(*Interruptions)* I have a point of order.

THE DEPUTY CHAIRMAN: What is your point of order?

SHRIMATI JAYANTHI NATARAJAN: Madam, we are seeking clarifications from the Home Minister. But he is speaking about the alleged failure of the....(*Interruptions*).

SHRI JAGDISH PRASAD MATHUR: Let us see what she is going to speak.

THE DEPUTY CHAIRMAN: She is not speaking.

SHRI JAGDISH PRASAD MATHUR: She is always doing the same thing. (*Interruptions*).

SHRI V. NARAYANASAMY: Madam, if he wants to seek clarifications...(*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN: I don't speak unless I have something to say. I am not in the habit of saying something which is outside the statement. I have nothing to say. (*Interruptions*). He is speaking about the alleged failure of the Chief Minister. It has nothing to do with the statement. (*Interruptions*).

SHRI DIPEN GHOSH: Madam, I appreciate her legal acumen.

श्री जगदीश प्रसाद माथुर: महोदया, आप सदन में अपने बारे में ऐसी बात न कहें कि आप कभी गड़बड़ नहीं करतीं।

SHRI DIPEN GHOSH: She is a practising lawyer in the Supreme Court which I am not. But I have started by saying that this statement is a testimony to the fact that the State Government led by Mr. Samir Ranjan Barman has failed to fulfil the constitutional requirements to create a situation conducive to the holding of a free and fair poll.

THE DEPUTY CHAIRMAN: Mr. Ghosh, please don't repeat it. It will be better if you seek clarifications.

SHRI DIPEN GHOSH: Madam, the Home Minister is here. Actually, it is a

slur on their party I am telling only her that it is slur on their party. For the first time in the Indian history when the same party was leading the Central Government and the State Government there that the Chief Election Commissioner, a constitutional authority had to postpone the election as your party led Government could not hold the elections there as required under the law of the land. And you are talking here.

SHRIMATI JAYANTHI NATARAJAN: Yes.

SHRI DIPEN GHOSH: It is a slur on your party. (*Interruptions*). One single individual has brought this slur on their party.

THE DEPUTY CHAIRMAN: Mr. Ghosh, kindly seek clarification.

SHRI DIPEN GHOSH: My second question is whether the Governor's report is there or whether even otherwise you can act. Four days have already elapsed and if you have asked for the Governor's report, the Governor's report has not reached you. When you make this statement on your own, you could act as you had acted in the case of Tamil Nadu, without waiting for the reports from the Governor. (*Interruptions*). When are you going to act, today or tomorrow or tonight? (*Interruptions*). You have acted. It is not that you did not act without the Governor's report. (*Interruptions*). The Centre should take over the Government. Or if you fail to take action against Mr. Santosh Mohan Dev, if you fail to intervene and take over the charge by the President, then you will have to quit. Otherwise, people will not spare you.

उपसभापति: श्री सत्य प्रकाश मालवीय अगर मेंबर साहबान...

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): हमारी पार्टी की ओर से यशवन्त सिन्हा जी बोलेंगे।

उपसभापति: आप पूछेंगे? अगर मेंबर साहबान सवाल पूछें, प्वाइंटेड, तो शायद ज्यादा सवाल पूछे जा सकते हैं।

SHRI YASHWANT SINHA (Bihar): Madam Deputy Chairman, it is an extraordinary situation. But the issues are very clear and one would have expected the Home Minister's statement to shed some light on the issues which are not only before the State of Tripura but before the country as a whole. I am sorry that the statement of the Home Minister is one of the blandest that I have see. It says nothing at all that we don't know....

THE DEPUTY CHAIRMAN: You wanted some *mirch-masala*....

SHRI YASHWANT SINHA: Even the *mirch-masala* is missing. It is not even good *chat*. It does not even hold out any hope for the future. Madam, the issues are very clear, as I said. There are technical aspects involved in this and there are moral aspects involved in this. As far as technical aspects are concerned, the Government may well take shelter behind the technicalities of the Constitution. But I think they will find it very difficult to live down the moral aspect and it is the moral aspect to which I would like to draw the attention of the Home Minister. Twenty-eighth of February, Madam Deputy Chairman, did not come suddenly. Once the Election Commission decided that the Tripura election will be postponed, the whole world knew that the duration, the tenure of the Assembly was coming to an end on the 28th of February. I think the Government of India should have been ready with a contingency plan as to how it was going to act after the 28th of February when the tenure of the Assembly was coming to an end. Now they did not seem to have that. The first question that I would like to ask the Home Minister is: what is it? Have they just drifted into a situation or have they done it deliberately?....

SHRI S.B. CHAVAN: Is the hon. Member saying that this was done deliberately or knowingly that the elections were to be held in the month of February....

SHRI YASHWANT SINHA: Madam Deputy Chairman, the point I am making is that elections were to be held in the month of February. Elections were postponed by the Election Commission in its wisdom well before the date of the elections. Twenty-eighth February followed 15 of February. There is no way you can reverse 15th February and put it

[Shri Yashwant Sinha]
before 28th February. You knew that 28th February was the last date of the validity of the life of that Assembly. The point I am making is what was the contingency plan? Even if it was like the 6th of December contingency plan, did you have a contingency plan at all? What did you plan to do after the 28th of February when the life of this Assembly came to an end? If you wanted to continue the present Government, the Chief Minister and his Council of Ministers, then let me submit very humbly, Madam Deputy Chairman, that this was not only technically, but even morally wrong because a Council of Ministers is always responsible to the Assembly and if the Assembly's life has come to an end, then there is no reason why the Council of Ministers should continue. If the Chief Minister had asked for dissolution, one can understand that he would be given care-taker charge. But this is not the case. Therefore, there was no technical or moral justification for the continuance of the Ministry in Tripura. The second point that I would like to make is that in the light of the indictment of no less a body than the Election Commission of India, of this Government and its officials and the Minister, of course, the Central Minister, how does the Government of India justify continuing this particular Minister in office even on a care-taker basis? This Government is exposing itself to a very serious charge of double standards. They have not so long ago dismissed three State Governments belonging to another party. The question which I am going to ask the Home Minister is: Is this the yardstick that you would have applied if the Tripura Ministry had been a non-Congress Ministry? Please stand up here and tell us that even if it had been CPM Ministry, even if it had been a Ministry of any other party, you would have given it the same treatment that you have given to your Congress Ministry in Tripura.

SHRI S.B. CHAVAN: This is the first instance....

SHRI YASHWANT SINHA: You say that there were precedents. You have said, "there are precedents." You have said in this House and you and have said outside, "there are precedents." So, I am asking you this question: If it had been a non-Congress Government, would you have still allowed it to continue after the 28th of February, after the kind of misdeeds of which it has been accused by no less a person than the Chief Election Commissioner? And, Madam Deputy Chairperson, the third point which I am making is that the Election Commission is the Constitutional organ of the State and it has certain responsibilities enjoined upon it in this book, 'The Constitution of India'. Now, as political parties, we might have our differences with the Chief Election Commissioner and the way he conducts his affairs. But as Government, you can't have differences. No Government can co-exist with the Chief Election Commissioner with whom it has serious differences. How do you continue? I mean, either the Government should go or the Chief Election Commissioner should go or both should go. How can it be that you don't agree with the findings of the Chief Election Commissioner and still allow him to continue in office? Why don't you call him, have a private talk and tell him, "this is not one"? Let him go. Or you bring an impeachment motion against him and let this person go if you think that he has been unfair. Or you support the impeachment motion which has been brought by the Opposition. But, you can't have a situation where, on the one hand, you disagree; you claim in the Parliament, on the floor of each House of Parliament, that the Chief Election Commissioner is wrong in his findings and, at the same time, you allow him to continue and both go on merrily. This is a situation which cannot be tolerated. The fourth and the final point which I would like to make, Madam Deputy Chairman, is the officers have been indicated by the Chief Election Commissioner. It is a point which has been made by Mr. Gujral and others. We know what the bureaucracy has come to. I used to be a part of the bureaucracy at one time. The kind of demoralisation-- and this is the point which the Home Minister should take note of if he is concerned about the future of this country-- which has taken place in the bureaucracy is most startling, I mean, it does not augur well for the future of this

country if the bureaucracy's morale keeps on going down in this manner. There is absolutely no way in which, perhaps, the officials of the Tripura State Government could have resisted the overtures of the State Ministers or the Central Ministers. There are very few bureaucrats left, Madam Deputy Chairman, who can stand up and tell a Minister, who can stand up and tell a Chief Minister, who can stand up and tell a Minister of State, that this is not on....(*Interruptions*).

SHRI H. HANUMANTHAPPA: And those who have come to Parliament.

SHRI YASWANT SINHA: Perhaps. I accept your compliment. There are very few people left. And, therefore, it is not at all difficult for a person like me to believe that when these officers were requested, required or forced by the political powers, that be, to attend these party meetings, they were left with no choice, they wanted to save their skins and they have come. Now, the Chief Election Commissioner has indicated, the Election Commission has decided that they should be taken off election duty, that proper action should be taken against them. My request to the Home Minister is that if you take action against these officials and let the political bigwigs off, then you will be committing a grave injustice and you will be further demoralising the official cadres not only in Tripura but all over the country. And, therefore, please be very careful. There must be justice. There must be equality in meting out justice. And, finally...

THE DEPUTY CHAIRMAN: That was your last point.

SHRI YASHWANT SINHA: This is the last point. Finally, a very specific question to the Home Minister. He says in the last line of his statement that the report of the Governor is awaited. Now, my question is, have you asked the Governor to send a report? If you have asked the Governor to send a report, then when did you ask the Governor to send a report? The Governor's report can come on telephone. The Governor's report can come by fax. It can come by a special courier. You can have it by this evening. You can have it by tomorrow morning. But what is it that you wanted the Governor to report?

What are the issues on which you have asked for the Governor's opinion if at all you have asked for the Governor's opinion? If you have not asked for his opinion, are you hoping that manna will fall from heaven, that the Governor might send a report, and that you would take care of it? Another point has also been raised that if the Governor's report does not come on time, then under the Constitutional provisions, are you, on the basis of your own information, prepared to take action in the case of Tripura or not? You must be able to give a very specific, categorical answer to this question. Thank you.

उपसभापति: शास्त्री जी, माथुर साहब ने तो सवाल भी पूछ लिये हैं स्पेशल मेंशन के अंतर्गत, अगर आप संक्षेप में सवालात पूछें। .....**(व्यवधान)**

PROF. SAURIN BHATTACHARYA (West Bengal): Madam, I will also be brief.

THE DEPUTY CHAIRMAN: You are already there. Your name is there. Now, Shastriji.

श्री विष्णु कान्त शास्त्री (उत्तर प्रदेश): माननीय गृह मंत्री जी ने बातें कम बताई हैं, छिपाई ज्यादा हैं। उनकी चतुराई के लिए मैं उनका बहुत-बहुत अभिनंदन करता हूं।

मैं उन दिनों त्रिपुरा में था जब चुनाव स्थगित किये गये और त्रिपुरा में साधारण धारणा यह थी—कांग्रेसियों की मान्यता यह थी कि सी०पी०आई० (एम) के साथ मिल कर प्रधान मंत्री ने एक सौदा किया है और इसलिए उस दिन जिस दिन यह चुनाव स्थगित किये गये, त्रिपुरा कांग्रेस ने वहां बंद की घोषणा की...**(व्यवधान)** और सी०पी०आई० (एम) के लोगों ने खुशियां मनाई।

मैं यह जानना चाहता हूं कि क्या ...**(व्यवधान)**

एक माननीय सदस्य: इनकी नाराज़गी यही है, अफसोस यही है कि इनको नहीं बुलाया।

श्री विष्णु कान्त शास्त्री: ...इस निर्णय की स्थिति में मिलीभगत थी। लड़ाई चल रही थी, उसमें कोई वैसी रहस्यमयी स्थिति आ गई, मुझे यह बताया गया था कांग्रेसियों के द्वारा बहुत क्रोध से कि प्रधान मंत्री के निर्देश से ऐसा हुआ है और वह सब इस पर नाराज़ थे। बाद में लगता है कि पहला निर्णय करने वाले प्रधान मंत्री ने शायद अपनी पार्टी को बचाने के लिए

[श्री विष्णुकान्त शास्त्री]

और पार्टी के दबाव में फिर यह दूसरा फैसला किया कि नहीं हम उस मुख्य मंत्री को बने रहने देंगे और उससे उनके यह वामपंथी मित्र नाराज़ है। बात क्या है, यह तो आपके घर की है, आप जाने। लेकिन संदेह इस बात का है कि जो घटनायें घट रही है, वह वैसी ही नहीं है, जैसी दीख रही है।

उनके भीतर क्या बात है, इसको अगर आप उजागर करें, तो मैं आपका कृतज्ञ रहूंगा। लेकिन वर्तमान स्थिति में यह बिलकुल स्पष्ट है कि आप इस बात की दुहाई देकर बच नहीं सकते कि अभी तक राजयपाल का कोई प्रतिवेदन आप तक नहीं पहुंचा है, अतः आप कैसे निर्णय ले सकते हैं, यह बात लचर है। भारतीय जनता पार्टी की तीन-तीन सरकारों को आपने चुटकी बजाते भंग कर दिया राज्यपाल से तत्काल प्रतिवेदन मंगवा कर और त्रिपुरा के समय आपके पास प्रतिवेदन नहीं आता है। आपकी त्रिपुरा की सरकार जो इतनी कुख्यात थी, जो समय पर निष्पक्ष चुनाव नहीं करा सकी, जिसकी निष्पक्षता के ऊपर इलैक्शन कमिश्नर ने प्रश्न-चिन्ह लगा दिया-27 तारीख को आपके गवर्नर उसको केयरटेकर मिनिस्ट्री बनाने के लिए कैसे योग्य मानते हैं, यह बहुत ही गज़ब की बात है। आपकी भीतर की जो भी स्थिति हो, आप इस बात का उत्तर दीजिए कि जिस मुख्य मंत्री को निष्पक्ष चुनाव कराने के लिए अयोग्य माना गया था, क्या आप उसे इस योग्य मान लीजिएगा कि उसके ही नेतृत्व में वहां चुनाव हो? क्या यह उचित और नैतिक होगा? क्या आप अनंतकाल तक राज्यपाल के प्रतिवेदन की प्रतीक्षा कर उस सरकार को वैसे चलने देंगे और अपने दायित्व से आप मुक्त रहेंगे?

मेरा सीधा सवाल आपसे यह है कि आप निर्णय करें कि इस वैधानिक संकट के क्षण में केंद्रीय सरकार की तरफ से क्या आपको यह स्पष्ट निर्णय नहीं लेना चाहिए कि वहां राज्यपाल की ही सरकार रहेगी और केयरटेकर गवर्नमेंट नहीं चल सकती और क्या आपको यह स्वीकार नहीं करना चाहिए ...**समय की घंटी**... कि आपके अपने केन्द्रीय राज्य मंत्री-अगर उसमें दोषी पाये जाते हैं, तो उसका सामूहिक उत्तरदायित्व प्रधान मंत्री तक जाएगा? उससे आप कैसे बचेंगे, इसका स्पष्टीकरण करें।

THE DEPUTY CHAIRMAN: Prof. Saurin Bhattacharya.

PROF. SAURIN BHATTACHARYA: Madam, perhaps I would be excused if I describe this long-awaited statement as a mountain breeding a mouse. In the morning, high hopes were roused by the intervention of the Home Minister when he said that he made a statement and thereafter there were certain developments in Lok Sabha and he told he would make another statement, I suppose, a more sub-standard statement. That was what we meant. And, Madam, what is in this statement which has not been stated on the 1st March in the Lok Sabha? I do not suppose our Home Minister acts in haste. At least he does not act in haste in any case. Therefore, he could not include the order of the Election Commission dated the 1st of March on the 1st March itself while making a statement in the Lok Sabha. Now, besides this 1st March order, what is new in this? And why was this statement necessary? Everything is available in the newspapers. Yesterday, the Home Minister told, in connection with a newspaper report when it was raised, that nothing should be done on the basis of the newspaper reports and that such things should not be brought in. But then what is in this statement? Is this not to be found in today morning's papers or yesterday's papers? Then what necessitated this statement from a powerful representative of the Government of India like the Home Minister? He should have made certain substantive points.

Madam, I will only say that it is the duty of the State Government to follow the directives of the Election Commission to the last detail. But which State Government? By the one headed by the very Chief Minister during whose legitimate tenure, during the life the State Assembly, the Election Commission had judged that this Government was unable to discharge its lawful duties in maintaining law and order. And now the Home Minister says that the very same Government will implement the directives of the Election Commission. I do not enter into the other aspects of the matter. How can he say that? He should be a bit more forthright. He says, "A further report from the Governor is awaited." For how long should we wait? The preceding speaker, Shastriji, raised the question, "How long?". The question of waiting by our Home Minister is never-ending. During the course of the Babri Masjid agitation which was launched, it was asked how long the charade would go on. Now, the Government of India would say that the Election Commission is a Constitutional authority and the

Election Commission's directives should be carried out. But carried out by whom? To my mind, by the one who was found to be incompetent to do these things.

There is another point. He says "further" in his statement. It means that there must have been an earlier report also from the Governor. The English of our Home Minister is impeccable and, therefor, he did not use it without thinking. Therefeore, "further" means that there was an earlier report. It was in the Press also that earlier a report from the State Governor had reached the Government of India stating that the law and order situation in Tripura was appalling. Is it a fact? Has any report from the Governor reached them? And, Madam, why has the Governor asked the Ministry of Mr. Samir Ranjan Barman to continue? If it is for the time being, it is understandable. But there was some confusion as to its nature. Then it was said that it would be a caretaker Government. Was it under the directions of the Government of India? I am asking this question because the Governors do that under the directions of the Government of India. They are appointed by the President on the recommendation of the Cabinet which is based on the recommendation of the Home Minister. Therefore, they should be able to tell us whether they sent any instruction to continue the caretaker Government. The orther aspects of the matter were raised by my other friends, and I would not go into them. But these are the issues on which I would earnestly elicit clarifications from our Home Minister. I would expect that in his usual free and frank manner, he would lay the entire facts before us, even if it incriminates them.

SHRI G. G. SWELL (Meghalaya): Madam, the statement of the Home Minister is delightfully or insultingly vague and evasive. And he has paid only lip service to the Election Commission because he does not have any option. Madam, the Election Commission ordered on the 12th of February the cancellation of the elections in Tripura and their postponement till 3rd April. The Prime Minister was in Tripura on the 11th of February. Rumours started floating that there was a deal. I would like to know whether there was such a deal and what a deal it was., Don't take it that people believe in whatever your say. Your Government has already taken a lot of beating because of evasiveness and because of double-speak. Now, Madam, even the Home Minister's statement admitted that the Election Commissioner had ordered that police officers and officers of the General Administration—District Magistrate, Sub-District Magistrates and others—should be removed from election duties because they had attended party meetings. What party meetings are these, and whose party meetings are they? You are vague and evasive. Madam, we know what we expect of our bureaucrats. And our experience is that bureaucrats stay away from election meetings. They stay away from party meetings. But if the Election Commissioner has come to the conclusion and you do not dispute the Election Commissioner—if you dispute the findings of the Election Commissioner, say so in clear worlds; you don't dispute—and if these officers, police officers, District Magistrates, Sub-District Magistrates and many other officers of the General Administration... (Time Bell). Madam, let me finish. You have allowed him how many minutes?

THE DEPUTY CHAIRMAN: No. I have been ringing the bell for everybody.

SHRI G. G. SWELL: If they have attended these meetings, they would have done so only because of political encouragment and they did not expect to face any trouble from the State Government.

I would like to know what political figures were present in those party meetings. Was the Chief Minister there? Was Mr. Sontosh Mohan Dev there? That is the first question. Now, you knew very well that the life of the Tripura Assembly would come to an end on the 28th of February. For the Government of tripura to continue from the 12th of February to the 28th of February is understandable because its life extended up to that time. Did you have any contingency plan? If you did not have any contingency plan, I would say you were singularly short-sighted. You are incapable of running the administration of this country if you do not have that

[Shri G.G. Swell]
much of imagination and that much of anticipation. You have liberally done it up to the last moment.

What I assume is that you never had any discussion; you never had any report from the Governor. Did you call for the report from the Governor? Your own statement speaks of 'further' report which means that there were earlier reports from the Governor. What those earlier reports from the Governor were? Did he recommend President's rule? Did you in your wisdom think that President's rule was necessary? In the case of Mehgalaya even when the Supreme Court struck down the disqualification of five Independent M.L.As, even when the Supreme Court asked you to restore the membership, even when you and the Primie Minister told the Leaders of the Opposition and told the Lok Sabha that you would restore popular rule by 16th of December, you did nothing of the sort. On the other hand, you encouraged horse-trading in order to bring your party Government in that State. And in this case, this Government has no more mandate. You do not have a contingency plan. You do not act otherwise. You do not think that these has been a Consitutional breakdown and you do not thingk that the report or the order of the Chief Commissioner is to be taken seriously. Now the Chief Election Commissioner has given you the deadline of 21st of March. Who are those officers and what are you going to do with them? Who are the politices who have put these officers in this predicament? And if there is going to be a further postponement of these election, how are you going to deal with the situation?

SHRI N.E. BALARAM (Kerala): Madam Deputy Chairman, the statement given by the Home Minister is very much disappointing. Now the facts are all very clear. Whenever the Government takes any action or whenever it makes any statement, it should try to make it as clear as possible. It should be transparent. You should not try to hide facts. Facts are very clear to every body. Mr. Santosh Mohan Dev was there; Chief Minister was there and they had meetings along with the District Collector and others. Not only that, Madam, if you read the order or the directive—I don't know what should I call it—of the 27th, by the Election Commission, you will find that the Election Commission said that it was not getting co-operation of the State Government. How could the elections be conducted? That is the first question which arises. If the election Commission is not getting the co-operation of the State Government, how coluld it conduct the election in a fair way? The Election Commission asked the Chief Secretary to send a report but the Chief Secretary was delaying the report. That is what the Election Commission says. This is not my version. What the Election Commission said was that the Chief Secretary was delaying the report. Secondly, the officers were not sending proper reports, and thirdly that the Chief Electoral Officer sent a false report. The Chief Electoral Officer of Tripura sent a false report to the Election Commission and the Election Commission called it rubbish. That means, the Government in Tripura and all the officers, the top-level officers, are not co-operating with the Election Commission to conduct the elections. That is the situation. Do you hide the facts? This situation was created by the political intervention of the Congress Party at the highest level. Could you forget it? The Prime Minister was there four days back for the election campaign.

6.00 P.M.

All of you thought that the elections would be held. But poor Seshan intervened and said 'No'. I have got my own criticism against Mr. Seshan. But what happened in Tripura? The entire thing was controlled at the highest political level. Intervention at the highest political level was there. Otherwise, why did the Chief Secretary delay the report? Why did the Chief Electoral Officer send a false report?

SHRI V. NARAYANASAMY: How do you say that?

SHRI N. E. BALARAM: It is there in the Election Commission's order. It is clear. I am not inventing all these things. Let the Home Minister say that all these are false.

SHRI V. NARAYANASAMY: How do you know?

SHRI N. E. BALARAM: Don't talk like this, Mr. Narayanasamy. These are all bad for the country. All of us will die. All of us will die within three years, four years, ten years. But the country must survive. Is it not? Narasimha Rao is not a man without death. You are not without death. Everybody will die. But democracy must live, democracy must survive, in the country. Democracy would survive only when you take strong action there.

I am demanding from you an assurance here by word and deed. Firstly, you should take strong action. If you keep the Chief Minister there, heading the caretaker Government, it is clear that the message you are sending to the officers there is: 'Do whatever you want; just finish the elections'. Do not send such a message. If you do not want to send such a message, remove him immediately, forthwith.

Secondly, you should give an assurance here that elections would be conducted in Tripura in a fair manner. *(Time-bell rings).*

Thirdly, what are the points or information you are asking from the Governor? You say that you are asking for a report from the Governor. What are the points on which you are awaiting a report from the Governor? Did you ask him to send you a report, or, have you simply forwarded a copy of the Chief Election Commissioner's order, asking him to make a comment upon it? What are the points on which you have asked for a report from the Governor?

THE DEPUTY CHAIRMAN: Thank you.

SHRI N. E. BALARAM: I would like to get answers to these three questions. Finally, I would make a request. You should stop such tricks in the elections. We had several tricks. Please stop it.

THE DEPUTY CHAIRMAN: I would like to inform hon. Members that it was agreed in the Business Advisory Committee that we would finish this within one hour. But already one hour has elapsed. I would, therefore, request hon. Members to be a little brief and ask only pointed questions.

SHRI SATYA PRAKASH MALAVIYA: That is why I have withdrawn my name.

THE DEPUTY CHAIRMAN: I am very happy. In any case, there would have been only one speaking from your party, not two. Now, Mr. Upendra. I expect Mr. Upendra to be very articulate.

SHRI P. UPENDRA (Andhra Pradesh): Madam, I always take only three minutes.

SHRI YASHWANT SINHA: Always?

SHRI N. E. BALARAM: Regular three-minute-wala.

SHRI P. UPENDRA: Madam, a very extraordinary situation has arisen by the action of the Chief Election Commissioner. But it is in tune with the Chief Election Commissioner's penchant for dramatics. He shoots in all directions. Only this time he has won the approbation from parties and individuals who have all along been crying for his blood and asking for his impeachment.

First of all, I do not know why the meetings, as mentioned in the Home Minister's statement, were held, why were the officers there. But the general suspicion would be that they were there only for making arrangements for rigging the elections. Naturally. But I do agree with what Shri Yashwant Sinha said. Why should the officers be penalised in this case, particularly, such a large number of officers? There are no clear guidelines in regard to such meetings. Therefore, may I know from the hon. Home Minister whether he would issue clear guidelines to the State Gaovernments in regard to the behaviour of officials,—particularly, those belonging to the All-India Services —as to how they should behave in such cases? When Central Ministers make visits to the States which are going to the polls, will the officials be told that they need not bother when they are called for such meetings, except providing security for their visits? Will they be told that they are not expected to attend such meetings? Unless such clear guidelines are given to the officials, such situations would always arise.

The second thing is, the Home Minister's statement also refers to —this *is mentioned in the Chief Election*

[Shri P. Upendra]

Commissioner's order— a large number of officers. I would like to know from the hon. Home Minister as to how many officers are involved. From the Chief Election Commissioner's order, it appears that there are hundreds of officers involved. If all these officials are transferred or taken off from election duty, how will you conduct the elections? Will you take people from other States? Then, how do you get them familiarise with the circumstances there? That also he will have to tell.

The other thing is, you are putting the responsibility of implementing the CECs order on the State Government. when the Chief Minister himself is involved in this kind of a thing, how can we expect him to be prompt in implementing the CEC's order? Are you giving only extra instructions to the Governor to see that these orders are implemented? What are you doing about that?

Another fundamental question is, the Chief Election Commissioner lately has been taking disciplinary action directly against the presiding officers, etc. What is the jurisdiction of the Chief Election Commissioner? This has to be ascertained and decided to see whether he is empowered to take such direct disciplinary action against the officers of All India Services, unless it is made very clear, such problems are likely to arise in future.

Then, the elections have been postponed not because of this meeting; elections have been postponed on the plea that law and order is not conducive to free and fair elections. Nobody is talking about that, but is the law and order situation likely to improve in a period of one and a half months? What steps are being taken by the State Government and the Central Government to improve the law and order conditions there?

Another point is about the Governor's report which some of my friends have mentioned. All of us know, whether it is Congress Government or a non-Congress Government, how such reports are tailored in the Home Ministry. There were instances when the BJP Governments were dismissed, draft reports were sent by fax and signatures were obtained from the Governors. So, that is no excuse that the Governor's report has not been obtained.

SHRI S. B. CHAVAN: Is that what you were doing?

SHRI P. UPENDRA: No, we did not do anything. We introduced Governor's rule only in Karnataka to facilitate you to elect a new leader. (*Interruptions*).

Lastly, Madam, a demand has been made about the President's rule in Tripura. It is fully justified. I do not know why you should hesitate to impose the President's rule there. Indirectly, it is your rule. Mr. Sontosh Mohan Deb, by his action, has embarrassed himself, the Congress party and the Union Government. If the President's rule is imposed, he will have a free run in Tripura as a Central Minister. Why should you hesitate to do that? In all fairness you cannot put the responsibility of holding elections on the present State Government. It should be removed immediately and you should introduce President's rule very soon.

श्री राम गोपाल यादव (उत्तर प्रदेश): महोदया, निर्वाचन आयोग के पिछले दो वर्षों से कुछ ऐसे फैसले हुए जिससे सदन के लगभग हर पक्ष के लोग कभी सहमत हुए तो सभी असहमत हुए। इस मामले में एक ऐसी असाधारण स्थिति पैदा हो गई है कि निर्वाचन आयोग के फैसले के बाद त्रिपुरा के मुख्य मंत्री को कार्यवाहक मुख्य मंत्री के रूप में बनाए रखने के बाद लोगों के मन में यह संदेह पैदा हो गया है कि निर्वाचन आयोग के फैसले से संभवत् केन्द्र सरकार सहमत नहीं है और इस स्थिति में यह प्रश्न उठना स्वाभाविक है कि स्टेट गवर्नमेंट को निर्वाचन आयोग ने जो डायरेक्टिवज दिए हैं, क्या उनका इम्प्लीमेंटेशन होगा भी या नहीं? मैं माननीय गृह मंत्री जी से जानना चाहूंगा कि जब वे अपना जवाब दें तो लोगों के मन से इस संदेह को भी दूर करें कि निर्वाचन आयोग के निर्णयों पर उनके निर्देशों पर अमल किया जाएगा। थैंक्यू।

उपसभापति: आशा है, ऐसा सब लोग फोलो करेंगे।

Shri Jagmohan. Very precise. Thank you.

SHRI V. NARAYANASAMY: Shri Jagmohan speaks only on Jammu and Kashmir.

SHRI JAGMOHAN (Nominated): But

you do not allow me to speak even on that.

SHRI V. NARAYANASAMY: If you speak something relevant, we will allow you.

SHRI JAGMOHAN: That is according to your interpretation.

Sir, the issue is that it is mentioned in the statement itself that the Election Commission has held that the officers participated in the meeting. The question is, the officers could not have participated in the meeting without anybody informing them about such a meeting. The other thing is, supposing, some officers barged into the meeting, nobody invited them and they came, could they not be told to go away because this was a party meeting? It is so simple as that. The point is that the circumstantial evidence is more liable than the evidence which you may collect by some oral statements. This is the issue which one must consider.

The second point is the same which Mr. Gujral raised that what will be the fate of the officers after this episode is over? Supposing the officer gives a statement which suits a particular political head, and if a particular statement does not suit the political head, then the officer will have to pay for the rest of his life. It is not going to end in a day or two. It is a continuous process when a particular person is earmarked and then a certain action is taken. So we must know from the Government what safeguard it is going to provide over a long period of time for such officers who want to act independently.

The third thing is, our experience over the last so many years is that the election machinery is no longer functioning independently, and the public has also got the impression that it is not so independent. Why don't you think of a different procedure by which Judicial Officers, were they are available, are appointed in key positions so that after the elections are over these Judicial Officers are not answerable to the Executive and they can act in a fearless and fair manner? Even the time has come when, since the Chief Election Commissioner is of the rank of a Supreme Court Judge, supervision of elections in a State could be entrusted to a Judge of a High Court like one functions in a Commission of Inquiry. Just as for a Commission of Inquiry the Chief Justice makes available a Judge for the time being, similarly a Judge could be made available for the time being to conduct the proceedings so that, after the proceedings are over, he is not answerable to the Executive.

The other thing is about the officers...*(Time-bell)*... Why doesn't the Government prescribe a sort of executive instruction that the Governor himself should give an independent opinion in the character roll of the officers—and it should not depend only on political whims? When writing the character rolls I had myself, as a Governor, on various occasions, suggested to the Government that the Governor should also be given an opportunity to write the character rolls of the officers so that he can also say who is an officer who is impartial and who is not acting impartially. If the Government thinks that an entry in the character roll should not be there, then the opinion of the Governor could be obtained annually on a separate paper and then, if the Government offcers to place it on the character roll, then the officer has a long-term incentive to act in an impartial and independent manner. Otherwise, under this kind of a system there is no protection—and protection is not needed for 10 or 15 days; it is a continuous process. If you really want to raise the morale of the officers and instil confidence in them, then these are the procedures which you will have to think of. Thank you.

SHRI H. HANUMANTHAPPA: Madam, after listening to all the Opposition leaders I come to the conclusion that this is a desperate attempt of the CPI (M), having picked up nothing at all, to make a big issue of it...*(Interruptions)*... I want to ask the Home Minister as to who the complainant in this case is. Who has complained to the Election Commission about this meeting? That will come out.

I want to know whether any statements have been recorded by the Inquiry Officer, if during the inquiry whether any officer has stated that there were political meetings in which they had participated.

[Shri H. Hanumanthappa]

The same complainant, I am told, has specifically given a note to the Election Commission, to the Inquiry Officer, stating that at such and such a time a Central Minister came to the Dak Bungalow and some of the officers were present there; that he came the next day at such and such a time to the Dak Bungalow and some of the officers were present there. Unfortunately, those officers were involved in the election. Just being present at the Dak Bungalow when a Minister comes there before going to a party meeting or a public meeting, is it an offence on the part of an officer? ...*(Interruptions)*...

SHRI DIPEN GHOSH: About that you ask the Home Minister.

SHRI H. HANUMANTHAPPA: Let the Home Minister clarify whether this is a fact or not, I want only a clarification on whether there is a statement from the complainant himself.

SHRI P. UPENDRA: They went for *rasgulla*.

SHRI YASHWANT SINHA: They went for *nashta*.

SHRI DIPEN GHOSH: They were Central observers.

SHRI H. HANUMANTHAPPA: I know, Here we have been in such a situation, Madam. The other day, on the 25th the BJP held a rally. They were defying the order. Unfortunately there were some law-and order enforcement people also. If somebody writes a complaint that such and such a fellow also participated in the rally, what will you do? On the day of the demolition of the Masjid in Ayodhya there were uniformed forces also. They were the people who were there even for Mr. Advani's protection because he is the Leader of the Opposition. In the prevailing security environment there were police personnel along with him. If someboy complains that when Mr. Advani was making a speech, when Mr. Advani was instigating, when Mr. Murli Manohar Joshi was instigating, such and such a police officer was present, that he belongs to the BJP and that he is a supporter of the BJP, is it acceptable?

SHRI YASHWANT SINHA: No, that is not acceptable.

SHRI H. HANUMANTHAPPA: That is exactly the thing. Thank you, Mr. Yashwant Sinha.

During the last elections, Mr. Yashwant Sinha went for convassing for his party. There were police people when he went to the Dak Bungalow. Even when he was addressing a public meeting, police personnel were standing here and there because we have been livsing in such a security environment. All of us are responsible for that. If somebody complains that such and such a police man was listening to Mr. Yashwant Sinha carefuly and that he has been influenced to convass for the Samajwadi Janata Party, will it be acceptable?

SHRI YASHWANT SINHA: No.

SHRI H. HANUMANTHAPPA: No. Very good. Thank you, Mr. Yashwant Sinha.

SHRI P. UPENDRA: Mr. Santosh Mohan Dev was having so many SPs inside for a meeting.

SHRI H. HANUMANTHAPPA: Please wait, Mr. Upendra.

SHRI DIPEN GHOSH: A good argument.

SHRI H. HANUMANTHAPPA: This is all my point. Has the complainant who complained about the political meetings in which officers were present and the Minister addressed them, party meetings, come out with a clarification, with a further information to the Election Commission in his inquiry? I want to ask only whether it is a fact or not, The Home Minister has to say this. That man has only held that when he went to the Dak Bungalow such and such officers were present. No secret meetings were held. There is no evidence. I just want to ascertain from the Home Minister whether it is a fact or not.

SHRI DIPEN GHOSH: The Chief Election Commissioner has stated in paragraph 15... *(Interruptions)*

SHRI H. HANUMANTHAPPA: Unless you stop them, I cannot listen to you.

SHRI DIPEN GHOSH: The Chief Election Commissioner has stated in reply to your question in paragraph 15 of his 27th February order that the contention made by those officers that they were present to maintain law and order when the Union Minister was present, was not acceptable.

SHRI V. NARAYANASAMY: The Home Minister will reply, not you.

SHRI H. HANUMANTHAPPA: I am capable of taking care of myself.

I am not asking about the officers. The Election Commission might have come to the conclusion about the officers. I am asking about the complainant himself. The complainant himself has mentioned only this much that Mr. Santosh Mohan Dev came to the Dak Bungalow at 5 O'clock, that there were so and so officers, that this officer was a Returning Officer somewhere, that when he went the next day to such and such Dak Bungalow that officer, was present. Not a word about a meeting or attending a meeting he has mentioned. Where does the question of the participation of the officers in the meeting come? If the officers are participating in meetings, I am the last man to protect them. As I have already told, if they have participated on their own in the election meeting, the Congress Party meeting, yes, certainly, they should be condemned and action should be taken against them.

SHRI DIPEN GHOSH: It was not an election meeting. These officers were Returning Officers or Assistant Returning Officers. It was a meeting taken by the Union Minister.

SHRI H. HANUMANTHAPPA: There was no meeting...*(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, may I request you not to interrupt because we have scarcity of time? We have committed that we would finish it in one hour. Otherwise I will ask the Home Minister to reply.

SHRI H. HANUMANTHAPPA: Madam, why should there be discipline only at the fag-end? The discipline should have been from the beginning.

Madam, actually even the complainant has not said that there was such and such particular meeting with the party leaders which the officers had attended. I want to ask the Home Minister whether there is a specific complaint about this meeting. Secondly, who has called the meeting.? Every one from the Opposition parties, even Mr. Jagmohan, the last speaker, has said this on the basis of inference. Can we finish the person by inference? We can infer that he was called. Nowhere, nobody has said that he was called to attend this meeting. Everybody is saying officers were present. May be present. But has the Chief Minister called him? Has Mr. Santosh Mohan Dev called him for the party meeting? Even if they were called, the officer has a duty to say, "If it is an election meeting I am not participating." First of all there is no evidence for having called. Mere inference should not put him in the dock. The senior bureaucrat and politician, Mr. Jagmohan says 'inference'. Can we finish a man on inference? There is no direct evidence that these officers had participated in the meeting. Added to this even the Chief Electoral Officer's report after the inquiry, after the statements of several people, says there were no meetings; officers had not attended and that they were not called by anybody. If these are facts, I would ask the hon. Home Minister kindly to supplement these with his statement.

SHRI P. UPENDRA: When the facts are otherwise, how can he supplement?

SHRI H. HANUMANTHAPPA: All right. Let him deny.

SHRI M.A. BABY (Kerala): May I ask you one question? If all these things were not concrete, if they were not there....

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): If all these were not concrete, why does Mohan Dev come forward saying, "I am exonerated from all these charges by the Election Commission there."? How could he say that? What is that exoneration? What are the allegations made? If they were not concrete, why should he go to explain?

SHRI H. HANUMANTHAPPA: Mr. Hanumantha Rao, you are a political worker. I am also a political worker. Malicious allegations are made. Sometimes we make and sometimes you make. And we say that this is not correct. Is it wrong if I say that I am right? Is it wrong if he explains that he is right? *(Interruptions)*

SHRI DIPEN GHOSH: Are you alleging that the Chief Election Commissioner has taken a partisan view? *(Interruptions)*

SHRI H. HANUMANTHAPPA: I am not explaining. I am only asking the Home Minister...

THE DEPUTY CHAIRMAN: He did not interrupt you. Please let him finish.

SHRI DIPEN GHOSH: He is asking the question.

THE DEPUTY CHAIRMAN: Not from you. He is seeking clarification from the Home Minister. Let the Home Minister answer. And when you become the Home Minister, then please answer.

SHRI DIPEN GHOSH: I can assure him that if I become Home Minister, I would not come here to make this type of a statement.

THE DEPUTY CHAIRMAN: Some statement you will make.

SHRI H. HANUMANTHAPPA: Unfortunately, Dipen has no chance of becoming Home Minister. Whatever I am saying, it just irks him. He cannot speak. Nor can he listen to me patiently. Unfortunately he is unable to absorb this because the truth is otherwise. Rightly or wrongly you have made a complaint. You have to stick to your complaint. There are various lacunae in that. You want to make it up at every stage. Somehow you don't want to take it back. That is where you are impatient. You are unable to know the truth. *(Interruptions)* So, I am specifically asking who is the complainant and who are the people who were examined at the inquiry. What are their evidences? Was there any direct evidence that either the Chief Minister or the Central Minister has called them to the meeting? Has the complainant himself said only at the Dak Bungalow these officers were present where no meetings were held?

THE DEPUTY CHAIRMAN: Now the Home, Minister to reply.

SHRI SUKOMAL SEN (West Bengal): Madam, just one question.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh spoke from your party.

SHRI SUKOMAL SEN: Only one question.

THE DEPUTY CHAIRMAN: Okay, but no preambles of the one question. It should be a straight question.

SHRI SUKOMAL SEN: The question is very simple that the Chief Election Commissioner had made some allegations and they were not properly enquired into because that was not the Chief Election Commissioner's mandate. Now, I am really, gravely worried after reading the Home Minister's statement, particularly after what Mr. Hanumanthappa has said. Madam, here the State Government is expected to uphold the electoral law so that free and fair elections can be held. Now upholding the electoral law means upholding the sanctity of the Constitution. Now, the State Government has failed to do it under the leadership of the Chief Minister. They had subverted the electoral law by not properly maintaining law and order in the State and by holding political meetings with the Police Officers and the Returning Officers who were invited. It was done by the Chief Minister as well as by the Central Minister. It was clearly a subversion of the Constitution. Now, I would like to know from the Home Minister what is the duty of their Government in the State. Now for petty political electoral benefits, will they support the subversion of the Constitution, subversion of the electoral law or will they uphold the Constitution? That is the main question which comes over here. Madam, they have done it for the electoral benefits. The home Minister should have sacked the Chief Minister immediately and imposed President's rule. He should have sacked

even that Minister who was responsible for that incident. Instead of doing that, the Home Minister in so many ways by jugglery, I would say, through shrewdness and cunning is trying to support them, protect them who were responsible for subverting the Constitution and the electoral law. I want the Home Minster to react to it. (Ends).

SHRI S.B. CHAVAN: Madam, Deputy Chairman, I never expected that so many hon. Members would be interested in this kind of a debate. In fact, on the statement which I have made, I had expected very brief clarifications from the hon. Members. But it was quite an interesting thing to note that a number of issues were raised. If I am allowed to say so, those who have complained, they themselves are raising the issue. There is no doubt about it.

I am sure that 3rd April, 1993 is very much looming large. They feel that before that date they must have political gain out of the episode which has taken place. But at the same time the hon. Members will try to understand my limitations. In fact, I would have been the last person to raise the issues about the Chief Election Commissioner, his conduct and his report. After all, he is a Constitutional authority; we may or may not like it. But the dignity and status of these institutions have to be maintained. It may go against you. It may go in your favour. But ultimately it is the Constitutional authority whose respect has to be maintained, if not by anyone else, at least, by the hon. Members of this House. That is why it is a very delicate matter.

Madam, it is very unfortunate that some things have been stated by some hon. Members. It will not be proper on my part to rebut them. I think hon. Members will excuse me for that. Mr. Gujral—I think he has gone away—and some other hon. Members also made an allegation saying that the Government was following double standards. I think, it exactly fits the hon. Members who have been raising this issue. They themsleves have said: "We are after his blood." Today, they are trying to justify. If it is motivated by the fact that since he is a Constitutional authority and that is why his authority has to be respected by everyone. I will be definitely with you. But, it is not for the first time that you have come to know that he is a Constitutional authority and it will not be proper on the part of any of us to try to question any of his judgements. And, that is why the directive is there. The directive has been given without going into the details of it as to whether the laws of natural justice have been followed or not. The Chief Election Commissioner has taken a particular decision. It becomes the bounden duty of the State Government to see that they implicitly try to implement whatever orders he has given. I do not know why the hon. Members take objection to this kind of a directive given by us. I know that the hon. Members are trying to provoke me so that I may say something against the Chief Election Commissioner. *(Interruptions)*. I am so happy that you were not trying to provoke me. But somehow, I got the idea that the hon. Members wanted to provoke me so that I might say something against the Chief Election Commissioner. *(Interruptions)*. I know that you will not say this. But still you are trying your level best....*(Interruptions)*.

SHRI JAGDISH PRASAD MATHUR: No. We are only asking as to the indictment made about the Ministers, the Chief Minister and the Central Minister.

THE DEPUTY CHAIRMAN: Please allow him to speak. I would request hon. members not to....*(Interruptions)*. Mathur Saheb, you exercised your right to speak by seeking clarifications. Now, let him have his right to speak. You do not interrupt, please.

SHRI JAGDISH PRASAD MATHUR: He is trying to confuse it further. I have to seek clarifications. What are you going to do about your Minister who has been indirectly indicated by the Election Commissioner?

SHRI S.B. CHAVAN: Hon. Mr. Mathur, who is a senior Member of this House, may try his level best, but I will never get confused. I will try to reply to the points he has raised.

Madam, there is another very important point which was raised by my

[Shri S.B. Chavan]

hon. colleague, Shri Yashwant Sinha, and that is about innocent bureaucrats who are involved and against whom orders have been passed by the Election Commission. Without reference to anyone about anything, I can say, without any fear of contradiction, there are very clear instructions, both from the Election Commission and from the Home Ministry as to the role of bureaucrats when general elections are held or when elections are held, as to what kind of courtesies they are supposed to give to the Ministers when they visit for election duties. I do not think that hon. Members will plead with the Government that when elections take place, Ministers should not be allowed to go there. I do not think that they have this proposition in mind. Whenever the hon. Prime Minister or the Chief Minister or any other Minister of the State Government or the Central Government goes there, it becomes their responsibility to see that they are given proper courtesies, that they are allowed to stay in the dak bungalow which is reserved for them and to make all other arrangements, excepting for expression of their political views. If they were to participate in a political meeting, then, on that also the elections can be set aside. There are a number of cases, umpteen cases, available both in High Courts and in the Supreme Court. If the election prospects of a particular candidate have been affected as a result of the effort made by any of permanent bureaucrats, then, certainly, those elections have also been set a side. Hon. Members are aware of all these facts. So, I do not think that either the DM or the SP or all other officers.... *(Interruptions)*. Do the hon. Members mean to suggest that these high-ranking officers were totally ignorant of the orders and the judgments given by the Supreme Court and the High Courts about it? I don't think that they are not aware of this thing. They are totally aware of this thing and they have kept themselves aloof from attending any political meeting. But, at the same time, they have to make necessary arrangements and see that law and order issues are properly attended to. They cannot possibly...*(Interruptions)*

SHRI G.G. SWELL: That means whatever the Chief Election Commissioner has said here is wrong. *(Interruptions)*

SHRI S.B. CHAVAN: Have I ever said this? Mr. Swell, you would like me to say that but I will not say that. You are saying that. I have never said this.

SHRI G.G. SWELL: The Chief Election Commissioner has said this.

SHRI S.B. CHAVAN: Yes. The Chief Election Commissioner is entitled to have his say in the matter and we are dutybound to follow the instructions and orders issued by the Chief Election Commissioner. I am not questioning that aspect of the question at all. *(Interruptions)* Have I ever interrupted you, Mr. Sukomal Sen? Have I ever interrupted you when you were speaking? I have never done so. I don't believe in this kind of a thing. After all, in a democratic set-up, you have a right to have your point of view. So also you must have the patience to listen to others also. You cannot always have your say in the matter.

SHRI DIPEN GHOSH: I hope you will not protect the murderer of democracy in Tripura.

SHRI S.B. CHAVAN: That is totally a different issue. I cannot say anything.

SHRI MOHAMMED AMIN (West Bengal): This is the main issue. They don't have any respect for the democratic norms. *(Interruptions)* The State Government of Tripura announced yesterday that they are not going to oblige. *(Interruptions)*

SHRI S.B. CHAVAN: You must be patient enough to get a reply from me. Hon'ble Yashwant Sinha Ji raised the issue about the technical and moral issues involved in it. I am quite sure that he is well aware of the technical, constitutional and legal issues. Article 174(2) is very clear on this issue and the Governor has every right to take action according to his judgment. He has taken certain action which may not be to your liking, may not be to my liking or may not be to the liking of other also. But after he has taken the action, what is the report that we are expecting from the Governor, is he query that the hon. Member made?

In the wake of the judgment which has been given by the Chief Election Commissioner, whether the Governor would like to revise his opinion and submit another report is a point for his consideration. I cannot possibly dictate from here that he should send this report according to...*(Interruptions)*

SHRI DIPEN GHOSH: What a joke?

SHRI YASHWANT SINHA: The point is, the Governor need not send a report, Mr. Home Minister. But you have said in your statement that you are awaiting a report and that is why a query arose.

SHRI S.B. CHAVAN: I am aware of article 356. In article 356, it is stated that either on the report of the Governor or on our own also, we can take a decision in the matter. But here is a case where the Governor has already ordered a certain set-up. If that is to be nullified or set aside or any other set-up is to be brought about, certainly the Government on its own should not do it. They should expect a report that here is the Chief Election Commissioner's order and in the context of the Chief Election Commissioner's order, whether he would like to submit any other report or not. It is entirely for him to submit a report or not to submit a report. Do you want to say that the Governor of Tripura should be directed by me that he should submit this kind of a report? I don't think it will be a correct procedure for me to follow and that is why my clarification on that point will be, in this context, if the Governor wants his opinion to be revised and if he wants that another report should be sent by him, certainly, he is entitled to send that kind of a report and after getting the report, there is a prcedure to be followed by the Government. If that procedure takes about four, five or six days, certainly, you must have the patience to wait till then. But it will be out of place if I am to say that for your political purposes, you want me to act in a particular manner for today, tomorrow...*(Interruptions)*. I think you should not try to hasten the whole matter. Since these political issues are also involved, you should give him enough time to ponder over the matte and whatever is the correct procedure, he should follow that. I won't object to any Governor following the correct procedure but it should not be at the instance of the Government of India that I should try to get from him whatever report I like. I don't think that it is called for. All other issues... *(Interruptions)*....

PROF. SAURIN BHATTACHARYA: Since you want a further report....

SHRI S.B. CHAVAN: Yes, yes, further report means the first report was submitted by the Governor to the Government that I have done this action of appointing the caretaker Government. This is the report which he sent and the second report means if he wants to submit a further report, he is entitled to....*(Interruptions)*...

SHRI DIPEN GHOSH: In your statement it is stated, "The Governor has requested the Chief Minister to continue as caretaker Ministry till alternative arrangement is made." That report or that order of the Governor was not the final one. That was in interim order. "Till alternative arrangement is made" means obviously certain alternative arrangement is already in view. We want to know when you are going to make that alternative arrangement.

SHRI S.B. CHAVAN: That is exactly what we are awaiting. If the Governor contemplated a certain kind of situation in which a second report would be necessary...*(Interruptions)*... He has clearly stated that this is, after all, a temporary arrangement and for the time being this is the arrangement I have made and in view of the orders given by the Chief Election Commissioner and in view of the fact that a temporary arrangement was also made by him..... *(Interruptions)*....

SHRI DIPEN GHOSH: When are you going to make alternative arrangement?.. *(Interruptions)*... Alternative to caretake Ministry.

SHRI S.B. CHAVAN: I don't think I will be in a position to say as to what the Governor is going to say. After I get the report, certainly I will be able to tell

you as to what the report of the Government is. Before that I won't be able.

SHRI P. UPENDRA: Are you expecting a report from him?

SHRI S.B. CHAVAN: Yes, yes, certainly. We are expecting a report, if he wants to.

SHRI P. UPENDRA: No, no.

SHRI S.B. CHAVAN: Of course..

SHRI P. UPENDRA: You have categorically stated that a further report is awaited.

SHRI S.B. CHAVAN: Yes, awaited....*(Interruptions)*... Awaited on two counts, I said. Firstly, he himself has said that there is a temporary arrangement that he has made till futher orders. Secondly, the orders of the Chief Election Commissioner are there and in the wake of this, if he wants to submit another report....*(Interruptions)*...

SHRI P. UPENDRA: You did not read it...*(Interruptions)*...

SHRI S.B. CHAVAN: This is what I read.

SHRI P. UPENDRA: You only said, "A further report of the Governor is awaited"

SHRI S.B. CHAVAN: I am aware of every word of the statement that I have made. So please don't try to confuse me on that, because you yourself have stated. There are a number of small issues which have been raised. I don't thik it will be worthwhile to deal with them. The main issues which have been raised...

SHRI DIPEN GHOSH: What about Sontosh Mohan Dev?

SHRI S.B. CHAVAN: I beg your pardon.

SHRI DIPEN GHOSH: What about the Union Minister, Mr. Sontosh Mohan Dev? He is the person who has exposed those officers. Those officers will bear the brunt and he will enjoy the Ministerial berth...*(Interruptions)*...

SHRI S.B. CHAVAN: I know that he is the main irritant for some of the hon. Members.

SHRI DIPEN GHOSH: No, no, it is not a question of irritant. Mr. Home Minister, Don't take it so lightly...*(Interruptions)*.. Don't take it so lightly.

SHRI S.B. CHAVAN: No, no, no....*(Interruptions)*...

SHRI DIPEN GHOSH: So many officers will be dismissed and he will be enjoying! They will be facing dismissal or suspension or action and he will be enjoying the Ministerial berth!

SHRI S.B. CHAVAN: I am not taking it lightly. I am taking everything very seriously, but there are matters which are not within my purview. Whether to keep a particular Minister in the Ministry or not is not within my purview. Certainly the Prime Minister will be entitled to take action, if it is necessary. I have done, Madam....*(Interruptions)*...

SHRI DIPEN GHOSH: Madam, the Home Miniser has not replied to our specific question. We are not satisfied with his replies to the questions....*(Interruptions)*... The Home Minister has avoided a reply to our question. Our specific question was about the action to be taken against the Union Minister, Mr. Santosh Mohan Dev, and the action against Samir Ranjan Burman's Government? ...*(Interruptions)*... We are dissatisfied with the reply. So we are walking out.

(At this stage some hon. Members left the Chamber.)

RECOMMENDATIONS OF THE BUSINESS ADVISORY COMMITTEE

THE DEPUTY CHAIRMAN: I have to inform the Members that the Business Advisory Committee at its meeting held today, the 3rd March, 1993, allotted time for Government Business as follows. *(Interrupotions)*... Please listen to me when I am making an announcement. Please have that much courtesy.